

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAYNE DEE WELLS Jr.,

Plaintiff,

v.

JOHN DOE McLEAN,

Defendant.

CASE NO. C10-5097RJB

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

This Civil Rights Action has been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and 636 (b)(1)(B), and Local Magistrate Judge's Rule MJR3 and MJR4. Before the Court is plaintiff's motion for appointment of counsel (Dkt. # 10).

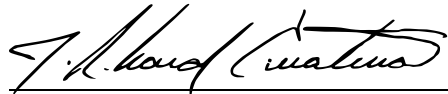
There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood

1 of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the
2 complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

3 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se* (Dkt # 4). The
4 Motion is **DENIED**.

5 The Clerk's Office is directed to remove Dkt. # 10 from the Court's calendar.

6 DATED this 30th day of April, 2010.

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9 J. Richard Creatura
10 United States Magistrate Judge
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